

By Senator Pollard:

S. B. No. 14, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of three million dollars per year, or so much thereof as may be necessary for the two fiscal years; providing certain prerequisites for the granting of such aid, and providing no school having over four hundred scholastics, or any school located in a district of over 500 scholastics, shall receive such aid; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 15, A bill to be entitled "An Act creating a Civil Service Commission for the State of Texas; providing for a State Civil Service Commission, consisting of three persons appointed by the Governor; providing for Municipal Civil Service Boards in cities of one hundred thousand or more inhabitants; empowering the Commission to make certain rules and regulations; providing for civil suits in enforcing said Act and repealing all laws or parts of laws which are in conflict herewith."

Read first time and referred to Committee on State Affairs.

Senate Joint Resolution No. 1.

By Senator Love:

S. J. R. No. 1, A joint resolution "Proposing an amendment to Article 16 of the Constitution of the State of Texas by inserting a section to be known as Section 30-b of said article, authorizing the terms of office of members of boards of education and all other municipal boards and commissions in cities and towns of whatever population, and of all school trustees to extend for any period of time not to exceed six years; and providing for the submission of such amendment for ratification or rejection at the next general election; and making an appropriation to defray expenses."

The resolution was read and referred to the Committee on Constitutional Amendments.

Adjournment.

On the motion of Senator Wood, the Senate at 3:25 p. m. adjourned until tomorrow morning at 10:00 o'clock.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, Jan. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred seventy-five thousand (\$175,000.00) dollars or as much thereof as may be necessary, payable out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the State of Texas, and to pay the contingent expenses of the Regular Session of the Fortieth Legislature of the State of Texas, and providing for the approval of accounts, and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate that same do pass and be not printed.

WOOD, Chairman.

SECOND DAY.

Senate Chamber,

Austin, Texas.

Wednesday, January 12, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Hall.
Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Miller.

Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Price.	Wirtz.
Real.	Witt.
Reid.	Wood.
Smith.	Woodward.
Stuart.	

Absent.

Pollard.	Russek.
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Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bailey.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Simple Resolution No. 6.

Senator Hall sent up the following resolution:

By Senator Hall, et al:

Resolved that the office of Second Assistant Calendar Clerk of the Senate be, and the same is hereby created. Such second assistant to be paid five dollars per day, and request that C. C. Williams, of Ellis County be appointed to said position.

Simple Resolution No. 7.

Senator Fairchild sent up the following resolution:

By Senator Fairchild:

Whereas a majority of the properties belonging to the State Penitentiary System lie within the Seventeenth Senatorial District of Texas

And whereas by reason of the first hand knowledge possessed by the Senator representing said District would make him a valuable member of the Committee on Penitentiaries.

Therefore be it resolved by the Senate that the Senator representing said Seventeenth Senatorial District be added to the list already appointed by the Lieutenant Governor on the Committee on Penitentiaries.

The resolution was read and adopted.

By Senator Bailey:

S. B. No. 16, A bill to be entitled "An Act to make it unlawful for

any person, firm or private corporation within this State to divert the natural flow of the surface waters in this State or to permit such a diversion to continue after the passage of this Act, or to impound any waters or to permit the impounding thereof to continue after the passage of this Act in such a manner as to damage the property of another; and to provide that in all such cases the injured party shall have remedies, both at law and in equity, including damages occasioned thereby, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 17, A bill to be entitled "An Act to amend Article 1302 Chapter 1 of Title 32 of the Revised Civil Statutes of the State of Texas of 1925 relating to the purposes for which private corporations may be formed by adding thereto a section to be known as Section 89 so as to provide that corporations may be formed, for the purpose of engaging in the poultry business and to buy and sell poultry of all kinds with the right to acquire and own all property necessary to conduct such business, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 18, A bill to be entitled "An Act to create a commission in aid of the Court of Criminal Appeals of Texas, regulating their powers and duties, appointment, duration of service, compensation and providing for stenographer and making an appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

S. B. No. 19, A bill to be entitled "An Act to amend Section 2 of Chapter 149 of the Act of the Thirty-Ninth Legislature of the State of Texas of 1925 relating to the unlawful search of private residences, actual place of habitation, place of business, person or personal possession, without first having obtained a search warrant, as required by law, by providing therein that it

shall be unlawful for any person or peace officer or State Ranger, without probable cause, to search the private residence or actual place of habitation of any person, without having first obtained a search warrant, as required by law, repealing all laws or parts of laws in conflict therewith and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 20, A bill to be entitled "An Act to amend Article 690 of the Penal Code of the State of Texas of 1925 declaring any animal, automobile, flying machine, air-plane, boat, ship or other vehicle or instrumentality used for the unlawful transportation or storage of intoxicating liquor or any equipment for the manufacture thereof to be a public nuisance, and authorizing any officer in this State, if probable cause exists, to seize and search without warrant any such animal, automobile, flying machine, air-plane, boat, ship or any other vehicle or instrumentality being used for the unlawful transportation or storage of intoxicating liquor or any equipment for the manufacture thereof, or any person or persons in possession thereof and requiring such officer to file within twenty-four hours thereafter with the county clerk of the county within which such search and seizure was made a detailed statement setting forth the time, the place where and the circumstances under which such search and seizure was made and declaring it an offense for such officer to wilfully or without reasonable excuse, to fail to make such report and file the same as directed and declaring it an offense for such officer to wilfully and without probable cause making such search and seizure, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 21, A bill to be entitled "An Act to repeal Chapter 49 of the Acts of the Thirty-ninth Legislature of 1925 of the State of Texas now Article 727A of the Code of Criminal Procedure of 1925 relating to

the exclusion of evidence obtained in violation of the Constitution and Laws of the State of Texas or the United States of America and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Lewis:

S. B. No. 22, A bill to be entitled "An Act to amend Article 3742 of the Revised Civil Statutes of 1925 and providing for the perpetuation of testimony, so as to include as a part of said Article 3742 applications or anticipated applications or petitions for the probate of wills, within the meaning of the word suit as used in said article, and to provide the mode and manner of service or notice on the application or statement of the party desiring to perpetuate testimony for use in an anticipated application or petition for the probate of a will; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stuart:

S. B. No. 23, A bill to be entitled "An Act to create a conservation commission for the State of Texas, providing for the number of commissioners, fixing the districts from which they are to be appointed, providing the term of office thereof, fixing their duties and compensation, providing the manner of the appointment of the first commission and their successors, repealing articles 6067, 6068, 6069, 6070, 6071, 6072, 6073, 6074, 6075, 6076, 6077, and 677 of the Revised Civil Statutes, 1925, of the State of Texas, amending and repealing all other laws in conflict with this Act, placing the management of State parks under the control and management of the conservatory commission, providing for the appointment by the commission, of a conservation executive of the commission, fixing the duties of said conservation executive, his term of office and compensation, providing for the conservation commission to supersede the office of game, fish and oyster commission, dividing the commission into six separate divisions; providing for the director of each department and fixing his salary; providing for the appointment of deputy executives of the different

divisions of the State; providing for the salaries of all employees of the conservation commission and the manner of payment thereof, providing for an audit and reports annually and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Stuart:

S. B. No. 23, A bill to be entitled "An Act to repeal Articles 776, 777, 778, 779, 780 and 781 of the Code of Criminal Procedure of 1925."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Bledsoe:

S. B. No. 25, A bill to be entitled "An Act fixing the salaries of Judges of the Supreme Court, of the Court of Criminal Appeals, of the Judges of the Commission of Appeals and of the Commission in aid of the Court of Criminal Appeals, and Judges of the Courts of Civil Appeals and District Courts of this State, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Bledsoe:

S. B. No. 26, A bill to be entitled "An Act ratifying and confirming the sale under execution heretofore made of the Motley County Railway, its properties, rights and franchises, to G. E. Hamilton, Trustee for the Quanah, Acme and Pacific Railway Company, and authorizing the transfer and conveyance by such Trustee of such Motley County Railway, its properties, rights and franchises, to the Quanah, Acme and Pacific Railway Company, and granting authority to the Quanah, Acme and Pacific Railway Company to acquire and own such railway, its properties, rights and franchises and to consolidate said Motley County Railway, its properties, rights and franchises with the Quanah, Acme and Pacific Railway and maintain and operate the consolidated properties as one line railway, under the name and style of Quanah, Acme & Pacific Railway Company; provided, such sale and transfer shall be made subject to all legal claims, debts, judgments, liens and other obligations now existing, or that may hereafter be filed or instituted against said Motley County Railway Company, or such Trustee, and subject to pending suits or ac-

tions, or suits or actions that may be hereafter brought against said Motley County Railway Company, or such Trustee, before the final consolidation of said railways has been effected, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

S. B. No. 27, A bill to be entitled "An Act abolishing the Board of Prison Commissioners of the State of Texas and creating the Texas Prison Board; prescribing the duties, powers, functions and compensation thereof; providing for the control of the prison system of this State by said Board; providing for a manager to be selected by said Board for said prison system, and providing all necessary matters and things incidental to the purpose of this Act; making an appropriation to carry out the purposes of this Act; and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator McFarlane:

S. B. No. 28, A bill to be entitled "An Act amending Section 1 of an Act passed by the Thirty-ninth Legislature of Texas, and being Chapter 87 of the Acts of the Regular Session of the Thirty-ninth Legislature, constituting and organizing Courts of Civil Appeals therein; creating the twelfth Supreme Judicial District of Texas, with Wichita Falls as the site of said court; providing for the appointment and qualification of the judges of said Twelfth Supreme Judicial District and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Twelfth Supreme Judicial District of Texas; making appropriation for the support of said court; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Smith:

S. B. No. 29, A bill to be entitled "An Act to amend Article 7949 of the Revised Civil Statutes of Texas of 1925, relating to the appointment of Notaries Public."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Floyd and Westbrook:
S. B. No. 30, A bill to be entitled "An Act authorizing the creation of a junior college in any independent district or city that has assumed control of its schools in the State of Texas, and with certain other limitations; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Reid:
S. B. No. 31, A bill to be entitled "An Act to create the Bovina Independent School District, in Parmer County, Texas; including the present Bovina Common School District No. 6 of said county, and also including Leagues 500, 498, and 507, in the Common School District No. 16 of said county; providing a board of trustees therefor; vesting said district and board of trustees with privileges; providing a board of trustees to have power to appoint a tax assessor and a collector and a board of equalization for said district; providing that the outstanding bonds shall remain chargeable against territory which voted same, and providing that the local tax assessment as heretofore existing in the Bovina Common School District No. 5 shall remain in force in the school district herein created; repealing all laws in conflict therewith and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 32, A bill to be entitled "An Act fixing the terms of Regents of Institutions of Higher Education at ten years, and prescribing their duties and functions."

Read first time and referred to the Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 33, A bill to be entitled "An Act creating a State Board of Education, etc."

Read first time and referred to Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 34, A bill to be entitled "An Act requiring each county to levy a county school tax in such sum as the State Board of Education shall require, not exceeding 50c on the \$100."

Read first time and referred to the Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 35, A bill to be entitled "An Act amending the free textbook law; providing for texts for non-English speaking children and for Junior High Schools."

Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 36, A bill to be entitled "An Act authorizing the issuance and sale of anticipation warrants against fifty per centum of levied but uncollected school taxes in order to meet current expenses of the schools in cash."

Read first time and referred to Committee on Finance.

By Senators Witt and Wood:
S. B. No. 37, A bill to be entitled "An Act providing a method and a basis for distributing State and county schools funds."

Read first time and referred to Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 38, A bill to be entitled "An Act authorizing the creation of Junior Colleges under certain limitations."

Read first time and referred to Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 39, A bill to be entitled "An Act relating to contracts for teachers in common and small independent school districts."

Read first time and referred to Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 40, A bill to be entitled "An Act providing that the schools of cities shall be independent of the municipal government; fixing the terms of the board of education in each such city at seven years, and the term of the superintendent at not exceeding five years."

Read first time and referred to Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 41, A bill to be entitled "An Act changing the name of the College of Industrial Arts to the Texas State College for Women."

Read first time and referred to Committee on Educational Affairs.

✓ By Senators Witt and Wood:
S. B. No. 42, A bill to be entitled
"An Act limiting the powers of
trustees of common school districts
to contract for the erection of school
buildings and limiting them in the
purchase of supplies."

Read first time and referred to
Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 43, A bill to be entitled
"An Act creating a State Board of
Higher Education, etc."

Read first time and referred to
Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 44, A bill to be entitled
"An Act providing for election of
county school trustees for five years,
etc."

Read first time and referred to
Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 45, A bill to be entitled
"An Act empowering county boards
of school trustees to create, consoli-
date and revise school districts."

Read first time and referred to
Committee on Education.

By Senators Witt and Wood:
S. B. No. 46, A bill to be entitled
"An Act providing for the election
of county school superintendents by
boards of county school trustees,
fixing their terms at five years and
prescribing their duties."

Read first time and referred to
Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 47, A bill to be entitled
"An Act providing for the election of
trustees of independent school dis-
tricts for terms of five years and
prescribing their duties."

Read first time and referred to
Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 48, A bill to be entitled
"An Act prescribing the powers and
duties of the trustees of common and
small independent school districts."

Read first time and referred to
Committee on Educational Affairs.

By Senators Witt and Wood:
S. B. No. 49, A bill to be entitled
"An Act providing that incorporated
school district having fewer than
500 scholastics shall be governed by
the laws applying to common school
districts."

Read first time and referred to
Committee on Educational Affairs.

By Senators Witt and Wood
S. B. No. 50, A bill to be entitled
"An Act providing for the election of
trustees of common school districts
for a term of three years."

Read first time and referred to
Committee on Educational Affairs.

By Senator McFarlane:
S. B. No. 51, A bill to be entitled
"An Act authorizing Wichita Falls
and Southern Railroad Company and
Wichita Falls, Ranger and Fort
Worth Railroad Company and their
successors, lessees and assigns to use
3.6 cents per mile as the basic unit
for the construction of all passenger
fares for adults and corresponding
fares for children on and over their
lines of railroad so long as such unit
shall be used as the basis for passen-
ger fares on the principal railroads
of Texas, and declaring an emer-
gency."

Read first time and referred to
Committee on State Affairs.

By Senator Bailey:
S. B. No. 52, A bill to be entitled
"An Act to repeal Article 5519 of
the Civil Statutes of Texas of 1925,
and to amend Article 5518 of said
Statutes, so as to limit the time
within which a person under twenty-
one (21) years of age or in the mili-
tary or naval service of the United
States in time of war, or of unsound
mind, or imprisoned, may institute
suit for the recovery of real estate,
and to add another Article to be
known as Article 5519 so as to pro-
vide that no person shall from and
after the 1st day of June, 1928,
maintain a suit for the recovery of
lands, tenements and hereditaments
against one who has had or held title
thereto under a recorded muniment
or muniments of title peaceably, and
under an adverse claim of right for
a period of twenty consecutive years,
and providing this Act shall not af-
fect suits pending on the date when
it shall become effective as a law,
and defining the terms "peaceable"
"adverse," "muniments of title" and
"owner," and to provide further, that
the rights of the State of Texas shall
not be barred, and that no person
claiming under a forged deed or
deeds executed under a forged power
of attorney shall claim any benefits
under this Act, and establishing the

burden of proof with reference thereto, and to provide for presumptions as to title in the person who may claim under such muniment of title recorded for twenty years, and to define who are trespassers, and creating presumptions relating thereto, and changing the burden of proof with reference thereto, and to provide that the unconstitutionality of one portion of this Act shall not affect the remainder thereof, and repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Westbrook:

S. C. R. No. 2, A concurrent resolution in reference to appointing committee to count votes for Governor and Lieutenant Governor.

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the President of the Senate appoint five Senators and the Speaker of the House of Representatives appoint five members of the House of Representatives to count votes in the recent election for Governor and Lieutenant Governor, and to make all necessary arrangements for their inauguration.

Read and adopted.

By Senator McFarlane:

S. J. R. No. 2, A joint resolution "Providing for a convention to frame a Constitution for the State of Texas."

Read first time and referred to Committee on Constitutional Amendments.

By Senator McFarlane:

S. J. R. No. 3, A joint resolution "Proposing an amendment to Article 4, Section 11, of the Constitution of the State of Texas, providing for the regulation and prescribing the manner of granting reprieves, commutations of punishment, and pardons, and providing for the submission of such amendment for ratification or rejection at the next general election; and making an appropriation to defray the expenses of submitting and holding an election on said amendment."

Read first time and referred to Committee on Constitutional Amendments.

By Senator McFarlane:

S. J. R. No. 4, A joint resolution "Proposing an amendment to Ar-

ticle 3, Section 24 of the Constitution of the State of Texas providing for the salary of members of the Legislature, providing the length of said session, providing for the mileage and per diem for the members of the Legislature in going to and returning from the seat of government, providing for the method of computing said mileage and per diem in going to and returning from all sessions, and providing for the submission of such amendment for ratification or rejection at the next general election, and making an appropriation to defray the expenses of submitting and voting on said amendment."

Read first time and referred to Committee on Constitutional Amendments.

By Senators Witt and Wood:

S. J. R. No. 5, A joint resolution "Proposing ten amendments to the Constitution relating to public education."

Read first time and referred to Committee on Constitutional Amendments.

Message From the Governor.

Governor's Office,

Austin, Texas, Jan. 11, 1927.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following Executive Message:

To the Honorable State Senate in Regular Session at Austin, Texas.

Gentlemen: I respectfully ask the advice, consent and confirmation of the following recess appointments made since adjournment of the Call Session of the Thirty-ninth Legislature:

To the Board of Regents of the State University.

Hon. H. A. Wroe of Travis County, Texas, appointed January 11, 1927 in place of Hon. George W. Tyler of Bell County, Texas, resigned.

Note: Hon. Wroe on yesterday resigned the appointment as Regent to fill term of George Paddleford of Tarrant County, Texas.

On State Highway Commission.

Hon. Eugene T. Smith of Tarrant County, Texas, Chairman, to fill the unexpired term of Hon. Hal Mosely of Dallas County, Texas, resigned,

whose term would expire on February 15, 1927.

Hon. Scott Woodward of Tarrant County, Texas, to fill out the unexpired term of Hon. John Cage of Erath County, Texas, resigned, whose term would expire on February 15, 1929.

Hon. George P. Robertson of Bosque County, Texas, in place of Hon. John H. Bickett of Bexar County, Texas, resigned, whose term would expire on February 15, 1931.

As State Labor Commissioner.

Hon. Fannie Daniel of Travis County, Texas, to fill out the unexpired term of E. J. Crocker, resigned.

Member of Commission of Appeals to Assist the Court of Criminal Appeals.

Hon. Lamar Bethea of Brazos County, Texas, to fill out the unexpired term of Judge E. A. Berry of Harris County, Texas, resigned.

Judges of the Judicial Districts.

Thirty-second Judicial District—Hon. Fritz R. Smith of Scurry County, Texas, to fill out the unexpired term of Judge Leslie, resigned.

Fifty-sixth Judicial District—Hon. Chas. G. Dibrell, of Galveston County, Texas, to fill out the unexpired term of Judge Brady, resigned.

Eighty-second Judicial District—Hon. E. M. Dodson of Falls County, Texas, to fill out the unexpired term of Judge Oltorf, resigned.

District Attorneys for the Judicial Districts.

Seventy-second Judicial District—Hon. L. A. Howard of Lubbock County, Texas, to fill out the unexpired term of the incumbent, resigned.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Senator Wirtz moved that the Senate go into Executive Session at 11 o'clock Friday morning to consider Governor's nominations and that the Committee on Governor's Nominations be instructed to make a report at that time.

Senator Hall moved to table the motion of Senator Wirtz.

Lieutenant Governor Barry Miller

stated as a point of order that he would follow the ruling of President pro tem Lewis during the Third Called Session of the Thirty-eighth Legislature on H. B. No. 10, and hold that the author of the motion had the right to close the debate, and recognized Senator Wirtz.

The question recurred upon the motion to table. The motion prevailed by the following vote:

Yeas—14.

Bledsoe.	Neal.
Bowers.	Real.
Greer.	Reid.
Hall.	Smith.
Lewis.	Witt.
Love.	Wood.
McFarlane.	Woodward.

Nays—14.

Bailey.	Parr.
Berkeley.	Price.
Fairchild.	Stuart.
Floyd.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Miller.	Wirtz.

Absent.

Moore.	Russek.
Pollard.	

Lieutenant Governor—Yea.

The Secretary announced 14 yeas and 14 nays, and the Lieutenant Governor voted yea.

Invitation by Judge John W. Hornsby of Austin.

The Chair introduced Judge Hornsby, Chairman of the Invitation Committee of the Inaugural Ball and in behalf of the citizens of Austin extended an invitation to attend the Inaugural Ball to be given for Governor-elect Dan Moody.

Motion by Senator Bailey.

Senator Bailey sent up the following written motion:

I move that Senators Bowers and Holbrook be added to the Senate Committee on Civil Jurisprudence.

BAILEY, Chairman.

The motion was adopted.

Oath of Office Administered.

The oath of office was administered by the Lieutenant Governor to C. C. Williams as Second Assist-

ant Calendar Clerk, and to Rev. W. H. Doss as Chaplain of the Senate.

Recess.

The Senate at 11.05 a. m. on the motion of Senator Bailey recessed until this afternoon at 2:30 p. m.

After Recess.

The Senate was called to order at 2:30 p. m. by Lieutenant Governor Miller, pursuant to recess.

Bills and Resolutions.

(Continued.)

Simple Resolution No. 8.

Senator Floyd sent up the following resolutions:

Hon. Barry Miller, President of the Senate.

Sir: We your Chairmen on Engrossed Bills and Enrolled Bills, acting under direction of the Senate Caucus ask the approval of the Senate for the following clerks and assistants on Engrossed and Enrolled Bills:

Carl L. Boes, Chief Engrossing Clerk, to receive \$10.00 per day.

Mildred Newland, Eula Brown and Kathleen Martin as Assistant Engrossing Clerks and that they each receive \$5.00 per day.

S. R. Terry, Chief Enrolling Clerk to receive \$10.00 per day.

Cecil Herrington, Frank Stubbsman and Mrs. James Greenwood as Assistant Enrolling Clerks, each to receive \$5.00 per day.

Edd Teagle as Filing Clerk, to receive \$5.00 per day.

We also recommend that Herman Maddox be appointed Messenger of

the Engrossing and Enrolling rooms at \$3.00 per day.

WESTBROOK,

Chairman of Engrossing Committee.

FLOYD,

Chairman of Enrolling Committee.

The resolution was read and adopted.

By Senator McFarlane:

S. B. No. 53, A bill to be entitled "An Act to authorize Wichita Falls and Southern Railroad Company to acquire by purchase or by lease for a term of not exceeding ninety-nine years, with the right of purchase at any time during said term, the railroads of Wichita Falls and Southern Railway Company and of Wichita

Falls, Ranger and Fort Worth Railroad Company with the branches and extensions thereof, constructed or to be constructed together with all properties, franchises and appurtenances pertaining thereto, and after said purchase or lease to own and operate or control and operate said lines of railroad, with the railroad now owned by it, as a single line of railroad and to complete or extend them or either of them as contemplated and provided in the respective charters of said companies, with the right to make such other extensions and construct such branches as may hereafter be authorized by amendment of the charter of said Wichita Falls and Southern Railroad Company; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Floyd:

S. B. No. 54, A bill to be entitled "An Act relating to appointment and fixing the salaries of county auditors; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Committee from the House.

The Chair recognized the Doorkeeper who introduced a Committee from the House, which announced that the House was organized and ready for business.

Senate Bill No. 26.

On the motion of Senator Bledsoe, Senate Bill No. 26 was withdrawn from the Committee on Internal Improvements and referred to the Committee on State Affairs.

Committee Additions.

The Chair announced the resignation of Senator Bowers as Chairman of Committee on Contingent Expense, and announced the following appointment:

Bledsoe, Chairman; Real, Vice-Chairman.

Message from the House.

The Chair recognized the Doorkeeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives, Austin, Texas, January 12, 1926.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the S. C. R. No. 2, approving Joint Committee to count ballots for Governor and Lieutenant Governor and arrange for inauguration.

The Speaker announces the following Committee on part of the House:

Petsch, Parrish of Travis, Stout, Shaver, Satterwhite.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Senate Committee on S. C. R. No. 2.

The Chair announced the following Senate Committee under S. C. R. No. 2:

Westbrook, Wood, Lewis, Wirtz, and Price.

Simple Resolution No. 9.

Senator Wood sent up the following resolution:

By Senator Wood:

Be it resolved by the Senate that the Senate Chamber be tendered to the Inaugural Reception Committee of Austin on the evening of the 18th of January for the Inaugural Reception.

The resolution was read and adopted by the following vote:

Yeas—22.

Bailey.	McFarlane.
Berkeley.	Miller.
Bledsoe.	Parr.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wood.
Love.	Woodward.

Absent.

Greer.	Russek.
Moore.	Stuart.
Neal.	Wirtz.
Pollard.	Witt.

Absent—Excused.

Price.

Adjournment.

On the motion of Senator Wood the Senate at 3:45 p. m. adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorial.

Congress of the United States
House of Representatives
Washington, D. C.

January 8, 1927.

The President, State Senate,
Austin, Texas.

My Dear Sir:

I note by the press that an effort will be made to induce the Texas Legislature to endorse the pending McNary-Haugen Bill in Congress.

I write respectfully to request that in case the Legislature considers this question, that the inclosed agriculture export corporation bill be included in your consideration.

Thanking you,

Very truly yours,

J. B. ASWELL.

The bill omits cumbersome governmental machinery, avoids complex and irritating requirements to be imposed upon the farmer, and proposes a simple business method of handling the surplus of the basic agricultural commodities in each emergency. It provides a board of six members appointed by the President, five of whom to be selected with due regard to their experience and skill in producing and marketing the basic agricultural products, and one to represent the public, with the Secretary of Agriculture ex-officio a member of the board.

After examining every bill and proposal on agriculture presented, after an earnest study of farm marketing in this country, and after an extended personal investigation recently in Europe, this bill is my best judgment of what should be promptly done for effective and speedy relief of agriculture. In my opinion, this bill offers the opportunity to end the long-drawn-out confusion and discussion in which the farmer is too often made a political football by some of his self-styled "friends" and professional farm relief advocates. Its passage will solve the vexing question of handling in a non-political business way the problem of the agricultural surplus. It will work. It eliminates the unworkable and unconstitutional proposal of the equalization fee. For each basic commodity, it authorizes the establishment of an agricultural export corporation with five directors and with authority to acquire storage and processing facilities, to buy, store,

hold, and sell the surplus. A revolving fund of \$250,000,000 is created for loans to the agricultural export corporations with authority to issue bonds up to ten times that amount.

Take cotton for example: The corporation, upon its creation, will proceed to purchase the cotton surplus outright, store it, and hold it for a higher price. It is reasonable to expect this corporation immediately to announce that it is ready to buy cotton at fifteen or eighteen cents a pound. The market for cotton would forthwith rise to that level or higher. The corporation will be financially strong enough to handle the surplus and the world would quickly recognize this convincing fact. The price would be definitely stabilized, greatly to the advantage of both the producer and the consumer. The present crisis in cotton would be immediately relieved. The corporation, being in a position to stabilize the price, would not lose a penny of the revolving fund provided by the Congress for the board to use in financing the corporation.

The problem of over-production is fundamental. The corporation would also be in a position mightily to influence helpfully the present effort to reduce acreage in 1927. Holding the surplus, the corporation could speak with authority as to what the producer might expect if over-production continue.

The other basic agricultural commodities named in the McNary-Haugen Bill, together with tobacco, would be handled in the same manner. The farmer would be relieved of the irritating annoyances of having a Federal Agent constantly at his door collecting the equalization fee.

This agricultural export corporation emergency bill that I have introduced today has nothing whatever to do with the Curtis-Aswell cooperative marketing bill now on the House Calendar, whose primary purpose is to expand and give national scope to the cooperative marketing organizations of the country. It is generally agreed that permanent relief for agriculture must ultimately come through cooperative marketing whose scope is national and whose membership includes a majority of the producers of each commodity.

Sixty-ninth Congress, Second Session.

H. R. 15655.

In the House of Representatives.
January 3, 1927.

Mr. Aswell introduced the following bill; which was referred to the Committee on Agriculture and ordered to be printed.

A bill to create a Federal Farm Board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities by means of the establishment of Federal agricultural export corporations for the basic agricultural commodities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Federal Farm Board.

Section 1. (a) There is hereby created a board to be known as the Federal Farm Board (hereinafter referred to as the "board") and to consist of the Secretary of Agriculture, who shall be a member ex officio, and six members to be appointed by the President of the United States, by and with the advice and consent of the Senate. In accordance with designations to be made by the President at the time of nomination, one of the appointed members shall be a representative of the public, and each of the remaining appointed members shall be a representative of the domestic producers of one of the following: Wheat, cotton, corn, swine, rice, or tobacco. Nominations of members of the board shall be so arranged that there shall not be more than one member of the board representing the producers of any one commodity and that there shall not be at the same time a member of the board representing the producers of corn and a member of the board representing the producers of swine.

(b) The President shall before nominating any member of the board representing the producers of a commodity consult with such farm organizations and cooperative associations as he considers to be representative of the producers of such commodity. The member of the board representing the public shall be the chairman of the board.

Qualifications and Terms of Board Members.

Sec. 2. (a) The terms of office of the appointed members of the board first taking office after the approval of this Act shall expire, in accordance with designations to be made by the President at the time of nomination, two at the end of the second year, two at the end of the fourth year, and two at the end of the sixth year after the date of the approval of this Act. A successor to an appointed member of the board shall be appointed in the same manner as the original appointed members, and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and any member of the board in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

(b) Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the appointed members in office shall constitute a quorum for the transaction of the business of the board.

(c) Each of the appointed members of the board shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board, and shall receive a salary of \$10,000 a year.

General Powers of Board.

Sec. 3. The board—

(a) Shall maintain its principal office in the District of Columbia, and such other offices in the United States as it deems necessary.

(b) Shall have an official seal which shall be judicially noticed.

(c) Shall make an annual report to Congress.

(d) May make such regulations as are necessary to execute the functions vested in it by this Act.

(e) May (1) appoint and fix the salaries of a secretary and such experts, and, in accordance with the

Classification Act of 1923 and subject to the provisions of the civil service laws, such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the board.

Special Powers and Duties of Board.

Sec. 4. (a) The board shall meet at the call of the chairman, or of the Secretary of Agriculture, or of a majority of its members.

(b) The board shall keep advised, from any available sources, of crop prices and prospects, and the supply of and demand for agricultural commodities and their food products, at home and abroad, with especial attention to the existence or the probability of the existence of a surplus of any agricultural commodity or any of its food products.

(c) The board shall advise co-operative associations, farm organizations, and producers in the adjustment of production and distribution, in order that they may secure the maximum benefits under this Act.

Control and Disposition of Surplus.

Sec. 5. (a) For the purposes of this Act, wheat, cotton, corn and swine, rice, and tobacco shall be known and are referred to as "basic agricultural commodities," and corn and swine shall be deemed a single basic agricultural commodity.

(b) Whenever the board finds that the conditions of production and marketing of any other agricultural commodity are such that the provisions of this Act applicable to a basic agricultural commodity should be made applicable to such other agricultural commodity, the board shall submit its report thereon to Congress.

(c) Whenever the board finds, first, that there is or may be during the ensuing year either (1) a surplus above the domestic requirements of wheat, corn, swine, rice or tobacco, or (2) a surplus above the requirements for the orderly marketing of cotton, or of wheat, corn swine, rice, or tobacco, and second, that a substantial number of the

cooperative associations or other organizations representing the producers of the basic agricultural commodity favor the full cooperation of the board in the stabilizing of the commodity, then the board shall publicly declare that an emergency exists and shall establish a Federal agricultural export corporation, or continue an existing Federal agricultural export corporation, for the conduct of the operations in the basic agricultural commodity and its food products as authorized by this Act. Any finding by the board under this subdivision shall require the affirmative vote of the majority of the appointed members in office, including the vote of the member representing the producers of the commodity in respect of which the finding is made.

(d) Whenever the board finds that the emergency has terminated, the board shall publicly declare such finding. Thereafter the corporation shall remain in existence for such additional period only as the board finds and by order designates as necessary solely for the purpose of adjusting, liquidating, and winding up its affairs. If during such additional period the board makes a further finding and public declaration under subdivision (c), the corporation shall be continued in existence without regard to the finding theretofore made under this subdivision.

Federal Agricultural Export Corporations.

Sec. 6. For the purpose of promoting the orderly marketing of basic agricultural commodities in interstate and foreign commerce and to that end to provide for the control and disposition of surpluses of such commodities, to enable producers of such commodities to stabilize their markets against undue and excessive fluctuations, and to preserve advantageous domestic markets for such commodities, the board may from time to time establish, as authorized under Section 5, a Federal agricultural export corporation for each basic agricultural commodity. For the purpose of establishing such corporation, the board shall elect five individuals as incorporators and as the original directors of the corporation. Such individuals are hereby declared to be incorporated as a Fed-

eral corporation commencing at such time as the President of the United States proclaims that the board has certified to him that the five individuals so elected have accepted office as incorporators and directors of the corporation. The corporation shall be designated by the name of the commodity which it represents, as, for example, "The Federal Cotton Export Corporation." Any corporation established under this section is referred to in this Act as a Federal agricultural export corporation. Not more than one such corporation shall be in existence at any time for each basic agricultural commodity. The making of any proclamation by the President under this section shall be conclusive evidence that the Federal agricultural export corporation has been duly established.

Directors.

Sec. 7. (a) The directors of a Federal agricultural export corporation shall be the individuals certified under Section 6 and their successors to be elected by the board from time to time. No member of the board shall be a director of the corporation. Any vacancy in the office of a director shall not impair the power of the remaining directors to act. Three directors of a Federal agricultural export corporation shall constitute a quorum for the transaction of business.

(b) The directors shall elect from their number a chairman and the principal officers of the corporation.

(c) A director, officer, or employee of a Federal export corporation shall not be held to be an officer, employee, or agent of the United States, but each such director, officer, or employee shall take the oath of office provided in Section 1757 of the Revised Statutes.

(d) The board shall fix the compensation of the directors of a Federal agricultural export corporation for their services in any capacity for the corporation to be paid from the treasury of the corporation.

(a) Shall have succession in its agricultural export corporation, shall direct the exercise of all powers vested in the corporation and the observance of all duties imposed upon it.

General Corporate Powers.

Sec. 8. A Federal agricultural export corporation—

(a) Shall have succession in its corporate name during its existence.

(b) May sue and be sued in its corporate name.

(c) May adopt a corporate seal, which shall be judicially noticed, and may alter it at pleasure.

(d) May make contracts.

(e) May purchase or lease such property as it deems necessary or convenient for the purposes of the corporation, and may dispose of any property held by it.

(f) May appoint and (except in the case of officers also serving as directors) fix the compensation of such officers, employees, and agents as are necessary for the conduct of the affairs of the corporation, and may remove any officers, employee, or agent appointed by it. Each officer, employee, or agent of the corporation responsible for the handling of money or property or for the custody of an agricultural commodity or its food products, shall give bond in such amount, with such penalties and upon such terms, as the corporation shall determine.

(g) May adopt, amend, and repeal by-laws.

(h) Shall have such powers not specifically denied by law as are necessary and proper to conduct, under this Act the business of purchasing, handling, storing, selling, and exporting the basic agricultural commodity and food products thereof, and such further business as is necessary and incidental thereto.

Capital Stock.

Sec. 9. (a) The original capital stock of the Federal agricultural export corporation shall be fixed by the board, and, if the board deems it necessary in order to carry out the purposes of the corporation, may from time to time be increased by the board, in amounts of \$5,000,000 or multiples thereof. All the capital stock of each such corporation is hereby subscribed by the United States; except that the total unpaid subscriptions outstanding at any one time shall not exceed the amount of moneys in the revolving fund (created hereinafter in this Act) at such time. The amount of such subscription shall be subject to call in amounts of \$5,000,000 or multiples

thereof. Payment of an amount so called shall be made by the board from the revolving fund. Upon any such payment, shares, fully paid and of a par value of \$100 each, shall be issued to the United States and delivered to the board in the amount so paid. In fixing the amount of capital stock of a Federal agricultural export corporation the board shall have due regard to the moneys available in the revolving fund for allocation to the subscriptions to the capital stock of the Federal agricultural export corporations and other such corporations established or to be established under this Act. No payment of any amount called under this section shall be made from any moneys other than those in the revolving fund.

(b) No dividends or other distribution of assets shall be paid upon the shares of a Federal agricultural export corporation, except that the corporation may from time to time retire the whole or any part of its outstanding shares, by the payment to the board of the par value of such shares plus interest thereon at the rate of 4 per centum per annum from the date of issue to date of retirement. The amount paid upon any such retirement shall be covered by the board into the revolving fund.

(c) Shares of a Federal agricultural export corporation shall be without voting powers and shall be nonassessable and nontransferable.

(d) The United States shall not be liable directly or indirectly in respect of any share or for any bonds, notes, or other evidences of indebtedness issued by a Federal agricultural export corporation and all such bonds, notes, and other evidence of indebtedness shall so state on their face.

Bonds.

Sec. 10. A Federal agricultural export corporation may borrow money and issue its bonds or other evidences of indebtedness therefor, except that the corporation shall not have power to issue or obligate itself in an amount of bonds or other evidences of indebtedness outstanding at any one time in excess of ten times the amount of the par value of its outstanding share. The rate of interest, the maturity, and other terms of the bonds or other evidences

of indebtedness, and the security therefor, may be determined by the corporation.

Special Corporate Powers.

Sec. 11. A Federal agricultural export corporation is authorized, at such times, for such prices, and to such extent, as it deems advisable—

(a) To purchase the basic agricultural commodity in respect of which the corporation is established, and food products thereof.

(b) To construct, purchase, or lease, and to operate storage warehouses for such commodity and products purchased by the corporation, facilities for transportation (otherwise than as a common carrier) in connection with the storage of such commodity and products, and facilities for processing such commodity and products.

(c) To store and process such commodity and products.

(d) To export such commodity and products.

(e) To sell such commodity and products in domestic or foreign markets.

Disposal of Assets.

Sec. 12. Upon the termination of the existence of a Federal agricultural export corporation all moneys of the corporation shall be covered in to the Treasury of the United States to the credit of a special fund and all unliquidated property of the corporation shall be transferred to the United States and placed under the control and jurisdiction of the board. Such moneys and property shall thereafter be disposed of as the Congress may direct.

Offices—Books and Accounts.

Sec. 13. (a) Each Federal agricultural export corporation shall maintain its principal office in the District of Columbia and may establish such agencies or branch offices at such places as it deems advisable.

A Federal agricultural export corporation shall be held to be an inhabitant and resident of the District of Columbia within the meaning of the laws of the United States relating to venue of civil suits.

(b) Each Federal agricultural export corporation shall keep at its principal office correct books show-

ing the original or a transcript of the minutes of the directors' meetings and showing the accounts of the corporation's business transactions. The books shall be open to examination by the General Accounting Office as hereinafter in this section provided and to inspection by the board, by any other governmental agency or by any person designated by the board, by any governmental agency authorized by concurrent resolution of Congress, and by any committee of the Senate or House of Representatives authorized by resolution of the Senate or House of Representatives, respectively.

(c) Expenditures by the board from the revolving fund and expenditures by the board from the appropriation under subdivision (b) of Section 15 shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the board. Expenditures by any Federal agricultural export corporation from the treasury of the corporation shall be made by the authorized officers or agents of the corporation upon receipt of itemized vouchers therefor, approved by such officers as the corporation may designate. Vouchers so made for expenditures by the board from the revolving fund or by any Federal agricultural export corporation shall be final and conclusive upon all officers and employees of the Government; except that all financial transactions of the board or of any Federal agricultural export corporation shall, subject to the above limitation, be examined by the General Accounting Office, at such time and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination in respect of expenditures by the board from the revolving fund or by any Federal agricultural export corporation shall be for the sole purpose of making a report to the Congress and to the board or corporation of expenditures and contracts in violation of law, together with such recommendations as the Comptroller General deems advisable concerning the receipt, disbursement, and application of the funds administered by the board or corporation.

Cooperation with Executive Departments.

Sec. 14 (a) It shall be the duty of any Government establishment in

the executive branch of the Government, upon request by the board or upon Executive order, to cooperate with and render assistance to the board or to any Federal agricultural export corporation in carrying out any provision of this Act. The board and each Federal agricultural export corporation shall, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

(b) The President may by Executive order direct any such governmental establishment to furnish the board or any Federal agricultural export corporation with such information and data pertaining to the functions of the board or such corporation as may be contained in the records of the governmental establishment. The order of the President may provide such limitations as to the use of the information and data as he deems desirable.

(c) The board and any Federal agricultural export corporation may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

Revolving Fund and Appropriation.

Sec. 15. (a) There is hereby authorized to be appropriated the sum of \$250,000,000, which shall be administered by the board as a revolving fund and expended solely for the payment of subscriptions to the capital stock of Federal agricultural export corporations, in accordance with the provisions of this Act. The Secretary of the Treasury shall deposit in the revolving fund such amounts, within the appropriations therefor, as the board from time to time deems necessary.

(b) There is hereby authorized to be appropriated the sum of \$250,000 to be available for expenditures by the board for expenses incurred prior to July 1, 1928, in administration of the functions vested in the board by this Act.

Taxation.

Sec. 16. The real property and tangible personal property of a Federal agricultural export corporation situated in any State, Territory, or possession, or within the District of

Columbia, shall be subject to taxation by such State, Territory, or possession, or any political subdivision thereof, or by the District of Columbia to the same extent, according to its value, as other real and tangible personal property is taxed by such State, Territory, or possession, or political subdivision, or by the District of Columbia. The income of a Federal export corporation and the bonds or other evidence of indebtedness of such corporation, and the income derived in respect thereof, shall not be subject to taxation by any State, Territory, or possession, or political subdivision thereof, or by the United States or the District of Columbia.

Penalties.

Sec. 17. (a) All general laws relating to the embezzlement or conversion, or to the improper handling, retention, use, or disposal of public moneys of the United States shall apply to moneys of a Federal agricultural export corporation in the custody of any director, officer, employee, or agent thereof.

(b) Any person who, with intent to defraud a Federal agricultural export corporation, or any director or officer of the corporation, or any office or employee of the United States, or any person, makes any false entry in the books of the corporation, or makes report or statement for the corporation which is false, shall upon conviction thereof be fined not more than \$10,000 or imprisoned not more than five years, or both.

Antitrust Laws.

Sec. 18. A Federal agricultural export corporation and its directors and officers shall be relieved from the operation of the "antitrust laws" as designated in Section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and from the operation of the provisions of Section 2 of the Act entitled "An Act to authorize association of producers of agricultural products," approved February 18, 1922.

Separability of Provisions.

Sec. 19. If any provision of this Act is declared unconstitutional or

the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

Reservation of Right to Amend.

Sec. 20. The Congress of the United States reserves the right to alter, amend, or repeal any provision of this Act.

Short Title.

Sec. 21. This Act may be cited as the "Federal Agricultural Export Corporation Act."

Resolution.

Resolution adopted by the County Judges and Commissioners Association of South Central Texas.
To Lieutenant Governor and Senate of Texas:

The County Judges and Commissioners of South Central Texas in session at Bryan, Texas, on this the 5th day of January, realizing the great need of additional funds in the several counties for their road systems in the rural districts, and feeling the need of the additional funds for the State Designated Highway of the State as well as the need of the economical and judicious handling of all such funds do pass the following as a recommendation of the Fortieth Legislature of the State of Texas:

1. That a law be passed requiring all persons selling at wholesale in interstate commerce in this State, any gasoline to pay to the State an occupation tax equal to three cents per gallon on all such gasoline sold by such person and that the other provisions of Art. 7965 of the Statutes of 1925 be re-enacted.

2. That the gasoline tax be turned over to the State Highway Department for use upon the highway for the State, except that portion due to the school fund as provided in Art. VII of the Constitution of the State.

3. That license fees upon motor vehicles remain unchanged, except that the fees upon motor busses and freight trucks be increased in proportion to the damage done to the roads over which they operate for private interests at the expense of the taxpayers throughout the State, and that the license fees on all such

motor busses and freight trucks be paid into the State Treasurer for the use on the State Highway Department.

4. That the license fees on all motor vehicles be paid into the treasury of the county in which the same are paid to be expended by the commissioners' court for the construction and maintenance of its roads with option to the counties of using such funds either on county lateral roads or designated highways in connection with State or Federal aid.

5. We also recommend as a means of conserving the funds of the taxpayers in the maintenance of the highways traversing the counties that the work be done by and under the direction of the commissioners' court of the counties.

A. That the commissioners' court will employ experienced road men as foreman, subject to approval by the Highway Department.

B. That all work be done under the direct supervision of the State Highway Division Engineer.

6. That we call to the attention of the Fortieth Legislature that so many vagrant automobiles escape the payment of the ad valorem tax and ask that some simple remedy be carried forward in the proper statute.

7. That the Fortieth Legislature be requested not to permit any increase of the present load limit on commercial vehicles.

Respectfully submitted,

Judge Sam D. W. Low.

Judge Ralph W. Barry.

A. G. Scott.

Judge G. W. Grant.

Judge Joe Y. McNutt.

Judge H. O. Ferguson.

State Board of Control.

Austin, Texas, Jan. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I have the honor to advise that, some time last spring, the Board of Control was notified that some friends of Governor Ferguson had a marble bust of her which they wanted to present to the State of Texas, and wanted this Board, as custodian of the Capitol, to receive it. For some reason, the presentation was delayed and I heard nothing more of it for several months. However, soon after the Special Session of the Thirty-ninth Legislature, the request was renewed, and the Board

agreed to accept the bust, as a temporary arrangement, pending the meeting of the Fortieth Legislature.

The bust is now in the rotunda of the Capitol, subject, of course, to the disposition of the Legislature.

H. H. HARRINGTON,
Chairman.

Read first time and referred to Committee on Public Buildings and Grounds.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Jan. 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 1 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 5, A bill to be entitled "An Act amending Chapter 115, Local and Special Laws of the Thirty-fifth Legislature, same being a Special Road Law for Duval County, Texas, by adding thereto Sections 17, 18, 19, 20, 21, 22, and 23; validating an election for the issuance of special road bonds of said county, validating all orders of the commissioners' court in respect to said election, validating the levy of taxes in payment thereof, and constituting such orders legal evidence; enacting provisions necessary and incidental to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration and beg leave to report it back to you with the recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Jan. 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 6, A bill to be entitled

"An Act amending Chapter 115, Local and Special Laws, Regular Session, Thirty-fifth Legislature of the State of Texas entitled 'An Act to create a more efficient road law for Duval County, Texas, etc.'; to permit the issuance of the refunding bonds for the purpose of funding or refunding indebtedness incurred for road and bridge purposes; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Jan. 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 26, A bill to be entitled "An Act ratifying and confirming the sale under execution heretofore made of the Motley County Railway, its properties, rights and franchises, to G. E. Hamilton, trustee for the Quanah, Acme and Pacific Railway Company, and authorizing the transfer and conveyance by such trustee of such Motley County Railway, its properties, rights and franchises, to the Quanah, Acme and Pacific Railway Company and granting authority to the Quanah Acme and Pacific Railway Company to acquire and own such railway, its properties, rights and franchises, and to consolidate said Motley County Railway, its properties, rights and franchises with the Quanah, Acme and Pacific Railway and maintain and operate the consolidated properties as one line of railway, under the name and style of Quanah, Acme and Pacific Railway Company; provided, such sale and transfer shall be made subject to all legal claims, debts, judgments, liens and other obligations now existing, or that may hereafter be filed or instituted against said Motley County Railway Company, or such trustee, and subject to pending suits or actions or suits or actions that may be hereafter brought against said Motley County Railway Company, or such trustee, before the final consolidation of said railways has been effected, and declaring an emergency."

We find that the notices required

by law have been given and that evidences thereof are hereto attached, and having had the same under consideration, report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 51, A bill to be entitled "An Act authorizing Wichita Falls and Southern Railroad Company and Wichita Falls, Ranger and Fort Worth Railroad Company and their successors, lessees and Assigns to use 3.6 cents per mile as the basic unit for the construction of all passenger fares for adults and corresponding fares for children on and over their lines of railroad so long as such unit shall be used as the basis for passenger fares on the principal railroads of Texas, and declaring an emergency."

We find that the notices required by law have been given and that evidence thereof are hereto attached, and having had the same under consideration, report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 53, A bill to be entitled "An Act to authorize Wichita Falls and Southern Railway Company to acquire by purchase or lease for a term of not exceeding ninety-nine years, with the right of purchase at any time during said term, the railroads of Wichita Falls and Southern Railway Company and of Wichita Falls, Ranger and Fort Worth Railroad Company, with the branches and extensions thereof, constructed or to be constructed together with all properties, franchises and appurtenances pertaining thereto, and after said purchase or lease to own and operate or control and operate said lines of railroad with the railroad now owned by it, as a single line of railroad and to complete or extend them or either of

them as contemplated and provided in the respective charters of said companies, with the right to make other extensions and construct such branches as may hereafter be authorized by amendment of the charter of said Wichita Falls and Southern Railroad Company, and to authorize said Wichita Falls and Southern Railway Company and said Wichita Falls, Ranger and Fort Worth Railroad Company, respectively, to convey or lease their said line of railroads, together with the properties, franchises and appurtenances pertaining thereto, to said Wichita Falls and Southern Railroad Company and to vest said companies and each of them with the power to make and execute all deeds, leases and contracts and agreements necessary to effect said purchases and sales or leases and to prescribe the terms and conditions upon which said purchases and sales or leases may be made; and declaring an emergency."

We find that the notices required by law have been given and that evidences thereof are hereto attached, and having had the same under consideration, report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

THIRD DAY.

Senate Chamber,
Austin, Texas,

Thursday, January 13, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.